

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHARLES ALPINE,	§	
TDCJ-CID #1422624,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-14-2531
	§	
WARDEN R. WATHEN, <i>et al.</i> ,	§	
	§	
Defendants.	§	

MEMORANDUM ON DISMISSAL

Plaintiff Charles Alpine, a state inmate confined in the Texas Department of Criminal Justice - Correctional Institutions Division's (TDCJ-CID) James Allred Unit, has filed a *pro se* civil rights suit alleging violation of his religious freedoms in relation to prison disciplinary proceedings. (Docket Nos. 1, 8.) Plaintiff's Amended Complaint names as defendants R. Wathen, Warden of the Allred Unit, and Captain J. Boyle, disciplinary supervisor. (Docket No. 8 at 1-2.) Plaintiff seeks an injunction prohibiting Defendants from requiring Plaintiff to cut his hair. (Id. at 3.) Plaintiff has also filed a Motion to Proceed *In Forma Pauperis* (IFP). (Docket Nos. 7, 10, 16.) Because Plaintiff is a "three-strikes" inmate, his IFP application must be denied and this case dismissed.

Under 28 U.S.C. § 1915(g), a prisoner cannot file a civil action *in forma pauperis* in federal court if, on three or more

prior occasions, while incarcerated, he brought an action that was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. The only exception to this revocation of an inmate's privilege to proceed *in forma pauperis* is if he is in immediate danger of serious physical harm. Banos v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998).

Plaintiff's present suit is clearly subject to the three-strikes bar under Section 1915(g) because his Amended Complaint does not indicate that he is in any danger and his litigation history reveals that he has previously filed numerous frivolous cases in the federal courts. Prior to filing this action, Plaintiff had at least seven suits dismissed as frivolous. Alpine v. Reno, 1:96-47 (D.D.C.) (dismissed as frivolous on Jan. 17, 1996); Alpine v. Reno, 1:95-966 (D.D.C.) (dismissed as frivolous on May 24, 1995); Alpine v. Reno, 1:94-2155 (D.D.C.) (dismissed as frivolous on Oct. 6, 1994); Alpine v. Reno, 1:94-2467 (D.D.C.) (dismissed as frivolous on Nov. 16, 1994); Alpine v. Casteel, 4:93-2007 (S.D. Tex.) (dismissed as frivolous on Aug. 18, 1993); and Alpine v. Legg, 4:93-1845 (S.D. Tex.) (dismissed as frivolous on Aug. 11, 1993); Alpine v. Wathen, 4:12-CV-3610 (S.D. Tex.) (dismissed as frivolous on Dec. 12, 2012); Alpine v. Wathen, 4:13-CV-2971 (S.D. Tex.) (dismissed as frivolous on Oct. 11, 2013).

Accordingly, it is ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis (Docket Nos. 7, 10, 16) is DENIED and this case is DISMISSED under 28 U.S.C. § 1915(g). Any other pending motions are further DENIED.

The Clerk will provide a copy of this Order to all parties, to the TDCJ-Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, TX 78711, Fax 512-936-2159; and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Betty Parker, Three-Strikes List Manager.

SIGNED at Houston, Texas, on November 22, 2014.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE